



South Florida Water Management District

GOVERNING BOARD MEETING MINUTES

June 12, 2008

9:00 AM

Edison College, Taeni Hall, Building S, Rooms 106 & 107
8099 College Parkway
Fort Myers, Florida 33919

Members Present:

Eric Buermann, Chair

Michael Collins

Charles Dauray

Shannon Estenoz

Melissa Meeker

Jerry Montgomery

Patrick Rooney

Malcolm Wade

Members Absent:

Paul C. Huck Jr.

1. **Call to Order** - Eric Buermann, Chairman, Governing Board

Chair Buermann called the meeting to order at 9:03 am.

2. **Pledge of Allegiance** - Eric Buermann, Chairman, Governing Board

Mr. Dauray led the group in the Pledge of Allegiance.

3. **Agenda Addendum** - Annette Carter, Director, Office of Governing Board and Executive Services

Annette Carter, Director, Office of Governing Board and Executive Services, read into the record the agenda addendum. Copies were made available to the public.

4. **Absentations by Board Members from items on the Agenda**

Ms. Estenoz abstained from Regulatory Consent Agenda Item 9, Page 22, Off Road Vehicle Trail; Big Cypress National Park Service, Permit No. 11-02135-P.

Mr. Wade abstained from Regulatory Consent Agenda Item 9, Page 5, No. 3, Southern Division Ranch Unit Number 1, Application No. 060630-31; Discussion Agenda Item 13; Consent Agenda Item 31.

Ms. Meeker abstained from Discussion Agenda Items 52, 53 54 and 55.

5. Audit and Finance Report - Charles Dauray, Chair, Audit and Finance Committee

Mr. Dauray provided an update of the accomplishments of the Audit and Finance Committee.

Consent Agenda

6. Public Comment on Consent Agenda

Public Comment: Jacquie Weisblum, Audubon of Florida, thanked the Board in advance for approval of Consent Agenda 14.

7. Pull Items for Discussion from Consent Agenda

Ms. Estenoz pulled Agenda Item 13 from the Consent Agenda to the Discussion Agenda.

Mr. Rooney pulled Agenda Item 37 from the Consent Agenda to the Discussion Agenda.

8. Board Comment on Consent Agenda

There was no Board comment on the Consent Agenda.

Water Resources

9. Water Use Permit Applications
 - Surface Water Management Permit Applications (includes Conservation Easements)
 - Environmental Resource Permit Applications (includes Conservation Easements) Denials
 - Environmental Resource Permit Extensions
 - Surface Water Management Permit Extensions
 - Consent Agreements
 - Conservation Easements
 - Environmental Resource Permit Variances
 - Enforcement Actions
 - Page 2 No 5 SR 846 Land Trust (WU): **Postponed** to July Board
 - Page 5 No 2 Jebco Grove (WU): **Postponed** to July Board
 - Page 8 No 1 Indiantown Grove (WU): **Postponed** to July Board
 - Page 9 No 1 Key West International Airport Runway Safety Area (SWM): **Postponed** to August Board
 - Page 13 No 2 Broken Sound Aquifer Recharge (WU): **Postponed** to August Board
 - Page 13 No 4 Seminole Water Treatment Plant (WU): **Postponed** to August Board
 - Page 15 No 2 Rolling Oaks (WU Denial): **Withdrawn**
 - Page 15 No 4 St John The Baptist Coptic Orthodox Church (WU Denial): **Removed** from agenda
 - Page 16 No 4 U-Pick Farms (WU Denial): **Removed** from agenda
 - Page 18 No 1 Calvary Chapel of Kendall (WU Denial): **Removed** from agenda
 - Page 18 No 3 Miami Shores Village Irrigated Areas Using Well Water (WU Denial): **Removed** from agenda
 - Page 20 No 1 Chevron Service Station (WU Denial): **Withdrawn**
 - Page 20 No 3 Triple H Ranch (WU Denial): **Postponed** to July Board
 - Page 21 No 1 Airport West Commerce Park Phase 2 (ERP Denial): **Withdrawn**
 - Page 21 No 2 Coleman Grove (WU Denial): **Postponed**

10. Right of Way Occupancy New Permits
 - Right of Way Occupancy Permit Modifications

11. Enter Final Orders Concurring with the Granting of Temporary Variances from Water Shortage Restrictions Imposed within the Boundaries of the South Florida Water Management District (Dean Powell, ext. 6787)

12. Enter Final Orders Denying Applications for Variances from Water Shortage Restrictions Imposed within the Boundaries of the South Florida Water Management District (Dean Powell, ext. 6787)

14. Authorize publication of the Notice of Rule Development in the Florida Administrative Weekly to update Rule 40E-0.105, Florida Administrative Code (F.A.C.) to allow for additional noticing through electronic media, to expand the definition of electronic filing found in Rule 40E-4.021((13), F.A.C. to include Works of the District permits and to amend Rule 40E-0.109, F.A.C., Florida Administrative Code, which inadvertently omitted the language allowing for electronic noticing when the original noticing provisions were enacted (Anita Bain, ext 6866)

Authorize publication of a Notice of Rule Development in the Florida Administrative Weekly (FAW) to amend Chapter 40E-4, F.A.C., and the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District (Basis of Review) to reflect changes in the listing status of the bald eagle consistent with the Florida Fish and Wildlife Conservation Commission (FFWCC) de-listing, amend the definition of listed species to specifically include the bald eagle, and to update rule citations, in coordination with the other water management districts and the Florida Department of Environmental Protection (FDEP).

Motion made by Mike Collins, seconded by Shannon Estenoz to approve the following item: 14. Vote called. Voting yes: Michael Collins, Charles Dauray, Eric Buermann, Jerry Montgomery, Melissa Meeker, Shannon Estenoz, Patrick Rooney. Not present: Malcolm Wade. Motion passed.

- 15.** Authorize publication of the Notice of Rule Development to update Rule 40E-0.105, F.A.C., to allow for additional noticing through electronic media and to amend Rule 40E-0.109, F.A.C., which inadvertently omitted the language allowing for electronic noticing when the original noticing provisions were enacted (Anita Bain, ext 6866)

Authorize publication of the Notice of Rule Development in the Florida Administrative Weekly to update Rule 40E-0.105, Florida Administrative Code (F.A.C.) to allow for additional noticing through electronic media, to expand the definition of electronic filing found in Rule 40E-4.021((13), F.A.C. to include Works of the District permits and to amend Rule 40E-0.109, F.A.C., Florida Administrative Code, which inadvertently omitted the language allowing for electronic noticing when the original noticing provisions were enacted.

Motion made by Mike Collins, seconded by Shannon Estenoz to approve the following item: 15, as amended above. Vote called. Voting yes: Michael Collins, Charles Dauray, Eric Buermann, Jerry Montgomery, Melissa Meeker, Shannon Estenoz, Patrick Rooney. Not present: Malcolm Wade. Motion passed.

- 16.** **2008-600** A Resolution of the Governing Board of the South Florida Water Management District to approve an Interagency Agreement between the Southwest Florida Water Management District (SWFWMD) and the South Florida Water Management District (SFWMD) authorizing the SFWMD to issue an Environmental Resource Permit for the proposed expansion of the Delray Plants Nursery located in Highlands County; providing an effective date (Anthony Waterhouse, ext 6867)
- 17.** **2008-601** A Resolution of the Governing Board of the South Florida Water Management District to approve entering into a 3-year cooperative agreement with Broward County Water Resource Division to deliver outreach, information and education services to stakeholders within Broward County Non-Everglades Construction Project (Non-ECP) in the amount not to exceed \$340,524 of which \$72,743 are budgeted (Everglades Trust Fund) and the remainder is subject to Governing Board approval of the FY09 and FY10 budget; providing an effective date (Contract Number 4600001391)(Pam Sievers, ext 6901)

18. **2008-602** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to a cost share agreement with Collier County for construction of the Gordon River Water Quality Park, in the total estimated amount of \$9,000,000 to increase the District's total contribution from \$850,000 to \$958,700, for which dedicated funds (State Appropriations) are budgeted; providing an effective date (Contract Number OT050976/3600000933-/A04) (Damon Meiers, ext 6876)
19. **2008-603** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1 year cost share agreement with the City of Cape Coral for the Southwest Five Unit - Phase II Portion of the Cape Coral Catch Basin Retrofit Program, in the total amount of \$520,690 of which the District's total contribution is not to exceed \$172,629.28 for which dedicated funds (State Appropriations) are budgeted and the remainder \$9,089.28 is subject to approval of the FY09 budget; providing an effective date. (Contract Number 4600001420)(Damon Meiers, ext. 6876)
20. Authorize publication of a Notice of Rule Development in the Florida Administrative Weekly to amend Chapters 40E-2, 40E-20, F.A.C., and the Basis of Review for Water Use Applications within the South Florida Water Management District to create a general permit by rule for outdoor residential consumptive use of water and amend water conservation requirements consistent with ongoing rule amendments for mandatory year-round landscape irrigation measures of Chapter 40E-24, F.A.C. (Chip Merriam, ext. 6597)
21. Approve entering into a Consent Agreement with J. Michael Crooks for the Crooks Ranch Property to allow a temporary water use allocation to meet the projected demands for a 3-year duration (Keith Smith, ext. 6620)

Everglades Restoration Resources

22. **2008-604** A Resolution of the Governing Board of the South Florida Water Management District approving Staff recommendations for releases of District canal, mineral and road reservations, releases of Trustees of the Internal Improvement Trust Fund (T.I.I.T.F.) canal reservations, and issuance of non-use commitments; providing an effective date. (Vinola Rada, ext. 6836)
23. **2008-605** A Resolution of the Governing Board of the South Florida Water Management District to approve the purchase of land interests containing 1.25 acres, more or less, for the C-111 Canal Project (L-31 North Acquisition Area), in Miami-Dade County, in the amount of \$25,000 and all associated costs for which dedicated funds (Florida Forever Trust Fund) are budgeted; approve declaring surplus, disposal of, and removal from the asset records, any such structures and improvements deemed unnecessary for the stated purpose of the original land acquisition; providing an effective date. (Tom Hanaway, ext. 6668)

24. **2008-606** A Resolution of the Governing Board of the South Florida Water Management District requesting the release of funds from Florida Forever Trust Fund by the Department of Environmental Protection for the acquisition of land interests containing 1.25 acres for the C-111 Canal Project (L-31 North Acquisition Area) in Miami-Dade County, in the amount of \$25,000, and associated costs; providing an effective date. (Tom Hanaway, ext. 6668)
25. **2008-607** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to Contract Number 4600000869/1116 with the Florida Department of Corrections to provide work squads, to extend the term by one (1) year, from August 15, 2008 to August 14, 2009, in an amount not to exceed \$111,554 subject to Governing Board approval of the FY09 budget; providing an effective date. (Contract Number 4600000869/1116-A01) (Steve Coughlin, ext. 2603)
26. **2008-608** A Resolution of the Governing Board of the South Florida Water Management District authorizing the Florida Fish and Wildlife Conservation Commission to (1) Establish Stormwater Treatment Area (STA) 1 West, 3/4 and 5 as public small game hunting areas and administer waterfowl hunts at said STA's for the 2008-09 Waterfowl Hunting Season, and (2) Establish as public small game hunting areas and administer annual waterfowl hunts at STA 1 West, 2, 3/4 and 5 during future waterfowl hunting seasons, subject to certain terms and conditions; providing an effective date. (Steve Coughlin, ext. 2603)
27. **2008-609** A Resolution of the Governing Board of the South Florida Water Management District authorizing the Florida Fish and Wildlife Conservation Commission to establish vacant undesignated lands consisting of approximately 230 acres in the L-31 North Project, Miami-Dade County, and approximately 1100 acres in the C-23/24 Reservoir Project, St. Lucie County, as small game hunting areas for the 2008-09 Hunting Season and manage small game hunting on such lands, subject to terms and conditions; providing an effective date. (Steve Coughlin, ext. 2603)
28. **2008-610** A Resolution of the Governing Board of the South Florida Water Management District approving declaring surplus land interests containing 0.12 acre, more or less, located in Martin County within the Atlantic Ridge Project; and authorizing the granting of an easement, together with the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, to Martin County; providing an effective date. (Bob Schaeffer, ext. 2985)
29. **2008-611**
A Resolution of the Governing Board of the South Florida Water Management District relating to the acquisition of land interests containing 427.53 acres, more or less, in Martin County, Florida, for the CERP Northern Palm Beach County - Part 1 Project, in the amount of \$12,612,331.67, and associated costs, which acquisition was approved by Resolution 2006-544 in June 2006; requesting release of funds by the Florida Department of Environmental Protection from the Florida Forever Trust Fund instead of the Save Our Everglades Trust Fund, contingent upon final approval of the state budget by the Governor; providing an effective date. (Bruce Hall, ext. 6541)

30. **2008-612** A Resolution of the Governing Board of the South Florida Water Management District to approve declaring surplus land interests containing 9.96 acres, more or less, previously acquired as part of the C-43 Basin Storage Reservoir Project Entrance Parcel, in Hendry County, together with an access, egress and utility easement, and an aerial navigation easement of 2.58 acres, more or less, and donating said land interests to Hendry County to be used for an emergency operations center, subject to a reverter; approve declaring surplus, disposal of, and removal from the asset records, any such structures and improvements deemed unnecessary for the stated purpose of the original land acquisition; subject to satisfaction of certain requirements; providing that this Resolution supersedes and replaces Resolution No. 2007-1211 providing an effective date. (Tom Hanaway, ext. 6668)
31. **2008-613** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 2-year contract with the Florida Department of Transportation for improvements along U.S. 27 in Palm Beach County in an amount not to exceed \$784,000, as revenue to the District; providing an effective date. (Contract Number 4600001409) (Shawn Waldeck, ext. 4023)
32. **2008-614** A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into a three-year contract, with two one-year renewal options, with the Smithsonian Marine Station, subject to successful negotiations, for continuing the Benthic Monitoring Network in the St. Lucie Estuary and Southern Indian River Lagoon in an amount not to exceed \$750,000 for the potential 5-year term of which dedicated funds (Comprehensive Everglades Restoration Plan Fund) in the amount of \$15,000 are budgeted and the remainder is subject to Governing Board approval of the FY09-FY13 budgets; providing that if negotiations are unsuccessful with the Smithsonian Marine Station, the District will proceed with negotiations in ranked order until a contract has been successfully negotiated; providing an effective date. (Contract Number 4600001385) (Julio Fanjul, ext. 3711)

Executive Office

33. **2008-615** A Resolution of the Governing Board of the South Florida Water Management District relating to the Districts Investment Policy; amending Article VI, of the District Policies Code to update investment criteria and to make other changes reflective of changing conditions in the financial markets; providing for inclusion in the District Policy Code; providing for severability; providing an effective date. (Paul E. Dumars, Sr., ext 6212)
38. **2008-618** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a purchase order with Anthony L. Jackson and Co., and authorize a Waiver of Competition as an exception to the general standards of competition, for a SAP Portal Programmer, in an amount not to exceed \$186,300 for which \$86,800 of ad valorem funds are budgeted in FY08; and the remainder is subject to Governing Board approval of the FY09 budget, providing an effective date. (Purchase Requisition Number 10054596) (Bernardo Camarena, ext 6421)

Corporate Resources

- 39. 2008-619** A Resolution of the Governing Board of the South Florida Water Management District authorizing the transfer of funds within the District FY2007-2008 budget as shown on the attachment hereto; providing an effective date. (Doug Bergstrom, ext. 6214)
- 40. 2008-620** A Resolution of the Governing Board of the South Florida Water Management District amending the Fiscal Year 2007-2008 Budget; providing an effective date. Project Sponsor: Doug Bergstrom, x 6214
- 41. 2008-621** A Resolution of the Governing Board of the South Florida Water Management District authorizing an amendment to purchase order 4500015219 with GeoAnalytics Incorporated for Non-Fee Interest (NFI) Enhancement Services, increasing the PO by \$84,000 for a total amount of \$170,500 for which dedicated funds (Water Management Land Trust Fund) are budgeted; providing an effective date. (Purchase Order Number 4500015219) (Alton Williams ext. 6246)
- 42. 2008-622** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 120 day contract with West Construction, Inc., the lowest responsive and responsible bidder, for B-1 Building Roof Replacement, in the amount of \$517,800 for which ad valorem funds (District's General Fund) are budgeted; providing an effective date. (Contract Number 4600001436). Jon Gleason ext. 6380
- 43. 2008-623** A Resolution to the Governing Board of the South Florida Water Management District to authorize entering into a Purchase Order with nTier for the implementation of the Identity and Access Management system in an amount not to exceed \$314,747 for which FY08 ad valorem funds are budgeted; providing an effective date (Purchase Requisition 10053672) (Lokendra Matoli, Ext. 2570)

Operations and Maintenance

- 44. 2008-624** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 3 year work order contract with Matthew D. Beimly dba Matthew D. Beimly Services, the lowest responsive and responsible bidder for Flat Mowing Services (West Side) within the Okeechobee Field Station region, in the amount of \$580,974.72 for which ad valorem funds in the amount of \$250,000 are budgeted and the remainder is subject to Governing Board approval of the FY09-FY11 budgets; providing an effective date. (Contract Number 4600001414)(Robert Campbell, ext. 3117)
- 45. 2008-625** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 3 year work order contract with Matthew D. Beimly dba Matthew D. Beimly Services, the lowest responsive and responsible bidder, for Flat Mowing Services within the Clewiston Field Station service region, in the amount of \$921,302.64, for which ad valorem funds of \$141,821.28 are budgeted; and the remainder is subject to Governing Board approval of the FY09-FY11 budgets; providing an effective date. (Contract Number 4600001415) (Robbie Teal, ext.3221)

46. Board Vote on Consent Agenda

Ms. Estenoz abstained from Regulatory Consent Agenda Item 9, Page 22, Off Road Vehicle Trail; Big Cypress National Park Service, Permit No. 11-02135-P.

Mr. Wade abstained from Regulatory Consent Agenda Item 9, Page 5, No. 3, Southern Division Ranch Unit Number 1, Application No. 060630-31; Consent Agenda Item 31.

Note: There was a motion to reconsider Consent Agenda Item 14 and 15 as there was an error on the addendum for these items. Ms. Bates clarified that there was no change to Consent Agenda Item 14 and read the changes to Consent Agenda Item 15. There was motion to move Consent Agenda 14, and a motion to move Consent Agenda Item 15 as amended (see votes under Consent Agenda Item 14 and Consent Agenda Item 15).

Motion made by Michael Collins, seconded by Shannon Estenoz to Approve the following item(s): 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 38, 39, 40, 41, 42, 43, 44, 45

Vote called. Voting yes: Michael Collins, Shannon Estenoz, Eric Buermann, Charles Dauray, Melissa Meeker, Jerry Montgomery, Patrick Rooney, Malcolm Wade. Motion passed.

Workshop Agenda

Water Resources

47. Kissimmee Basin Modeling Optimization Study - Lawrence Glenn, Director, Kissimmee Division

Lawrence Glenn, Director, Kissimmee Division, presented information on the four projects on the Kissimmee Basin:

- Kissimmee River Restoration
- Headwater Revitalization
- Kissimmee Basin Modeling & Operations Study
- Long-Term Management Plan.

Mr. Glenn reported on the water regulations on the Kissimmee Chain of Lakes, the development of water supply and the environmental requirements in the Kissimmee Upper Basin.

Everglades Restoration Resources

78. Everglades Restoration Update - Tommy Strowd, Assistant Deputy Executive Director, Everglades Restoration Resources

Tommy Strowd, Assistant Deputy Executive Director, provided an update on the Picayune Strand Project.

Mr. Dauray provided comment on the development of Southern Golden Gate Estates.

Discussion Agenda

Water Resources

- 13.** Authorize publication of a Notice of Rulemaking in the Florida Administrative Weekly to amend Rules 40E-2.091, 40E-8.421, 40E-20.091, F.A.C., and the Basis of Review for Water Use Permit Applications within the South Florida Water Management District, to address water supply availability within the Lake Okeechobee Service Area, consumptive use criteria, and a recovery strategy for Lake Okeechobee. (Chip Merriam, ext. 6597)

Chip Merriam, Deputy Executive Director, presented information on this agenda item. Mr. Merriam reported on the reallocation of retired/terminated permits and identifying the base case for Agriculture and crop changes on land.

Mr. Collins commented on permitting issues and third-party challenges.

Beth Ross, Sr. Attorney, provided information on MFLs and restoration plans for the Lake Okeechobee Service Area.

Public Comment: Barbara Miedema, Sugar Cane Growers Cooperative, supports the Regional Water Availability rule for LOSA. She stated she is committed to working with staff on this issue.

Public Comment: Irene Quincey, Palm Beach and Henry Agricultural, commented on a recovery schedule and provided background information on the permit renewal process.

Public Comment: Charles Shinn, Florida Farm Bureau Foundation, supports the LOSA Water Availability rule and requested more time for the permit process.

Public Comment: Jacquie Weisblum, Audubon of Florida, supports the LOSA Water Availability Rule.

Motion made by Michael Collins, seconded by Shannon Estenoz to Approve the following item(s): 13

Vote called. Voting yes: Michael Collins, Shannon Estenoz, Eric Buermann, Charles Dauray, Melissa Meeker, Jerry Montgomery, Patrick Rooney. Abstained: Malcolm Wade. Motion passed.

- 48.** Water Conditions Report (Susan Sylvester, ext. 6152)

Cal Neidrauer, Chief Engineer, Operations Control, presented information on the dry season rainfall, the US drought Monitor, and water levels for Lake Okeechobee.

Mr. Neidrauer also reported on Lake Okeechobee's June 2008 position analysis.

- 49.** Ecological Conditions Report (Susan Gray, ext. 6919)

Susan Gray, Deputy Department Director, Watershed Management, presented the ecological conditions focusing on the Kissimmee River. Dr. Gray reported on the snail kite nesting in Kissimmee River.

Dr. Gray provided information on plowing of lake sediments, fires on Lake Okeechobee and ecological conditions of the St. Lucie and Caloosahatchee Estuaries.

There was Board discussion on migratory birds nesting in the Storm Water Treatment Areas. Mr. Merriam provided information on the nesting season for migratory birds and discharges to tide.

Ms. Estenoz commented on the purpose of the STAs and restoring the larger ecosystem.

Public Comment: Dennis Duke, Department of Interior, read into the record from Paul Sousa, US Fish & Wildlife Service, a statement regarding the primary purpose of the STAs and the Corps commitment in working with the District to ensure the STAs meet their original intent and to maximize wildlife and recreational benefits.

Ms. Estenoz requested a status report on how the District is working with the US Fish and Wildlife Service regarding these issues.

- 50.** Water Shortage Emergency Update & Action Items including, but not limited to, modifying restrictions in areas presently under water shortage restrictions, if necessary, additional water shortage declarations, contracts and / or any other necessary actions (Chip Merriam, ext. 6597)

No action was needed from the Board.

- 51.** Authorize publication of a notice of rule development in the Florida Administrative Weekly to adopt a new rule Chapter 40E-10, F.A.C., regarding reservations and protection of water necessary for the natural system, and to amend Chapters 40E-2, 40E-20, 40E-21, and 40E-22, F.A.C., for the specific purpose of assuring water necessary for the protection of fish and wildlife in the Kissimmee River, the Floodplain and the Upper Chain of Lakes. (Chip Merriam, ext. 6597)

Chip Merriam, Deputy Executive Director, presented information on this agenda item.

Public Comment: Duke Clem, Polk County, supports the initiation of rulemaking of reservations for the Kissimmee River.

Public Comment: Joan Lawrence, supports the establishment of reservations for the Kissimmee River.

Public Comment: Pete Quasuius, Audubon Southwest Florida, Collier County, supports the establishment of reservations for the Kissimmee River.

Public Comment: Kim Taplin, USACE, supports the reservation efforts for the Kissimmee River and commends the District for moving forward with this.

Public Comment: Jacquie Weisblum, Audubon of Florida, supports the establishment of reservations for the Kissimmee River.

Motion made by Shannon Estenoz, seconded by Jerry Montgomery to Approve the following item(s): 51

Vote called. Voting yes: Shannon Estenoz, Jerry Montgomery, Eric Buermann, Michael Collins, Charles Dauray, Melissa Meeker, Patrick Rooney, Malcolm Wade. Motion passed.

Everglades Restoration Resources

- 52. 2008-626** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 2.5-year contract with the Martin County Board of County Commissioners for the Manatee Creek Water Quality Retrofit Phases II and III Project in an amount not to exceed \$1,800,000 of which dedicated funds (Save Our Everglades Trust Fund) in the amount of \$950,084 are budgeted and the remainder is subject to Governing Board approval of the FY09-FY10 budgets; providing an effective date. (Contract Number 4600001418) (Mike Voich, ext. 3720)

No presentation was provided.

Motion made by Michael Collins, seconded by Charles Dauray to Approve the following item(s): 52

Vote called. Voting yes: Michael Collins, Charles Dauray, Eric Buermann, Jerry Montgomery, Patrick Rooney, Malcolm Wade. Abstained: Melissa Meeker. Not present: Shannon Estenoz. Motion passed.

- 53. 2008-627** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a two-year contract with the Martin County Board of County Commissioners for the Manatee Pocket Dredging Project in an amount not to exceed \$4,000,000 of which dedicated funds (Save Our Everglades Trust Fund) in the amount of \$600,000 are budgeted and the remainder is subject to Governing Board approval of the FY09-FY10 budgets; providing an effective date. (Contract Number 4600001417) (Mike Voich, ext. 3720)

No presentation was provided.

Motion made by Michael Collins, seconded by Jerry Montgomery to Approve the following item(s): 53

Vote called. Voting yes: Michael Collins, Jerry Montgomery, Eric Buermann, Charles Dauray, Patrick Rooney, Malcolm Wade. Abstained: Melissa Meeker. Not present: Shannon Estenoz. Motion passed.

- 54. 2008-628** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a two-year contract with the Martin County Board of County Commissioners for the North River Shores Vacuum Sewer System in an amount not to exceed \$3,000,000, which is subject to Governing Board approval of the FY09-FY10 budgets; providing an effective date. (Contract Number 4600001416) (Mike Voich, ext. 3720)

No presentation was provided.

Motion made by Michael Collins, seconded by Charles Dauray to Approve the following item(s): 54

Vote called. Voting yes: Michael Collins, Charles Dauray, Eric Buermann, Jerry Montgomery, Patrick Rooney, Malcolm Wade. Abstained: Melissa Meeker. Not present: Shannon Estenoz. Motion passed.

- 55. 2008-629** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a one-year contract with the Martin County Board of County Commissioners for the land acquisition portion of the Old Palm City Phase 3 Stormwater Quality Improvement Project in an amount not to exceed \$1,200,000 for which dedicated funds (Save Our Everglades Trust Fund) are budgeted; providing an effective date. (Contract Number 4600001419) (Mike Voich, ext. 3720)

No presentation was provided.

Motion made by Michael Collins, seconded by Jerry Montgomery to Approve the following item(s): 55

Vote called. Voting yes: Michael Collins, Jerry Montgomery, Eric Buermann, Charles Dauray, Patrick Rooney, Malcolm Wade. Abstained: Melissa Meeker. Not present: Shannon Estenoz. Motion passed.

- 56. 2008-630** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a second amendment to the Project Cooperation Agreement between the U.S. Army Corps of Engineers and the South Florida Water Management District for modification of the Central and Southern Florida Flood Control Project to improve water deliveries into Everglades National Park for the purpose of implementing the Tamiami Trail features; providing an effective date. (Contract Number C-12903-A02 / 3600000054-A02) (Dewey Worth, ext. 3715)

Dewey Worth, Division Director, CERP Project Management, presented information on Agenda items 56 and 57. Mr. Worth reported on the East Tamiami Trail culvert structures and the improvement flow to the Everglades National Park. Mr. Worth also reported on federal obligations for funding.

Mr. Worth reported on the required agreements with US Army Corps of Engineers, FDOT, National Park Service, and Florida, Power & Light.

Mr. Collins commented on the agreement and the modified water deliveries project being moved to CERP.

Mr. Worth provided additional information pertaining to this project.

There was Board discussion on federal and state funding for the Central and Southern Florida Flood Control Project and the Tamiami Trail features.

Ms. Wehle reported on the language in the resolutions and the federal funding for this project.

Public Comment: Dennis Duke, Department of Interior, supports this plan.

Public Comment: Kim Taplin, USACE, supports this plan and requested the Board move forward with this project.

Motion made by Michael Collins, seconded by Shannon Estenoz to Approve the following item(s): 56

Vote called. Voting yes: Michael Collins, Shannon Estenoz, Eric Buermann, Charles Dauray, Melissa Meeker, Jerry Montgomery, Patrick Rooney, Malcolm Wade. Motion passed.

- 57. 2008-638** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a Memorandum of Agreement with the U.S. Army Corps of Engineers with respect to a betterment for modification of the Central and Southern Florida Flood Control Project to improve water deliveries into Everglades National Park for the purpose of implementing the Tamiami Trail features; and authorize a budget transfer in the amount of \$157,509 from dedicated funds (CERP ad valorem) from the Southwest Florida Feasibility Study Project to the Modified Waters Project; providing an effective date. (Contract Number 4600001439) (Dewey Worth, ext. 3715)

Motion made by Michael Collins, seconded by Shannon Estenoz to Approve the following item(s): 57

Vote called. Voting yes: Michael Collins, Shannon Estenoz, Eric Buermann, Charles Dauray, Melissa Meeker, Jerry Montgomery, Patrick Rooney, Malcolm Wade. Motion passed.

- 75. 2008-640** A Resolution of the Governing Board of the South Florida Water Management District authorizing entering into an agreement with Florida Power & Light Company to declare as surplus and convey to the Florida Power & Light a perpetual utility, access and non-native vegetation management easement within the L-29, L-30 and L-31N right-of-way and the adjoining South Florida Water Management District lands both North and South of Tamiami Trail necessary to make the connection with the existing Florida Power & Light corridor upon Florida Power & Light releasing its existing land interests within the Everglades National Park, granting the necessary easements to the United States Army Corps of Engineers for the construction of the Tamiami Trail bridge and channel in connection with the modified water deliveries project and release of Florida Power & Light's land interests in the area north of Tamiami Trail within WCA 3B to the South Florida Water Management District and the State of Florida; at no cost; providing an effective date. (Ruth Clements, ext. 6271)

Ruth Clements, Director. Land Acquisition and Management Department, presented information on this agenda item.

Ms. Meeker supports strengthening the partnership between the District and Florida, Power & Light and commended staff for their hard work on these negotiations.

Mr. Collins also commended staff on their hard work with these negotiations.

Motion made by Michael Collins, seconded by Melissa Meeker to Approve the following item(s): 75

Vote called. Voting yes: Michael Collins, Melissa Meeker, Eric Buermann, Charles Dauray, Shannon Estenoz, Jerry Montgomery, Patrick Rooney, Malcolm Wade. Motion passed.

Executive Office

- 37. 2008-617** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a purchase order with Anthony L. Jackson and Co., and authorize a Waiver of Competition as an exception to the general standards of competition, for a SAP Workflow ABAP Programmer, in an amount not to exceed \$422,400 for which \$89,600 of ad valorem funds are budgeted in FY08; and the remainder is subject to Governing Board approval of the FY09 budget, providing an effective date. (Purchase Requisition Number 10054595) (Bernardo Camarena, ext 6421)

Paul Dumars, Chief Financial Officer, provided information on this agenda item.

Motion made by Patrick Rooney, seconded by Melissa Meeker to Approve the following item(s): 37

Vote called. Voting yes: Patrick Rooney, Melissa Meeker, Eric Buermann, Michael Collins, Charles Dauray, Shannon Estenoz, Jerry Montgomery. Not present: Malcolm Wade. Motion passed.

Government and Public Affairs

- 58. 2008-631** A Resolution of the Governing Board of the South Florida Water Management District requesting release of funds to carry out surface water restoration projects funded by the Florida Legislature in the General Appropriations Act for the fiscal year 2008-2009; providing an effective date. (Ernie Barnett, ext. 2110)

Ernie Barnett, Director, Office of Policy and Legislation, presented information on this agenda item.

Motion made by Michael Collins, seconded by Shannon Estenoz to Approve the following item(s): 58

Vote called. Voting yes: Michael Collins, Shannon Estenoz, Eric Buermann, Charles Dauray, Melissa Meeker, Jerry Montgomery, Patrick Rooney, Malcolm Wade.

Motion passed.

Corporate Resources

- 59. 2008-639**

A Resolution of the Governing Board of the South Florida Water Management District determining whether C&S should or should not be suspended from doing business with the South Florida Water Management District pursuant to Rule 40E-7, part II, Florida Administrative Code, providing an effective date. (Frank Hayden, ext. 6043)

Sandra Turnquest, Deputy Executive Director, presented information on this agenda item. Ms. Turnquest provided background information on the contractor and the situation.

Motion made by Michael Collins, seconded by Charles Dauray to Approve the following item(s): 59

Vote called. Voting yes: Michael Collins, Charles Dauray, Eric Buermann, Shannon Estenoz, Melissa Meeker, Jerry Montgomery, Patrick Rooney. Not present: Malcolm Wade. Motion passed.

Operations and Maintenance

- 60. 2008-632** (Additional information on the following four items will be available on Monday, 6/9/2008, by calling the Procurement Department at 561-682-2813)

A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 90 day contract with Melvin Bush Construction, the lowest responsive and responsible bidder, for the C-24 Canal Bank Repairs (1), I-95 to Savona (NE Bank), St. Lucie County in the amount of \$1,629,162 for which ad valorem funds are budgeted; providing an effective date. (Contract Number 4600001442) (Jose Guardiaro, ext. 2594)

No presentation was provided.

Motion made by Melissa Meeker, seconded by Michael Collins to Approve the following item(s): 60

Vote called. Voting yes: Melissa Meeker, Michael Collins, Eric Buermann, Charles Dauray, Shannon Estenoz, Jerry Montgomery, Patrick Rooney. Not present: Malcolm Wade. Motion passed.

- 61. 2008-633** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 90 day contract with Sheltra & Sons Construction, the lowest responsive and responsible bidder, for the C-24 Canal Bank Repair (2), I-95 to Savona (SW Bank), St. Lucie County in the amount of \$1,097,000 for which ad valorem funds are budgeted; providing an effective date. (Contract Number 4600001443) (Jose Guardiario, ext. 2594)

No presentation was provided.

Motion made by Melissa Meeker, seconded by Michael Collins to Approve the following item(s): 61

Vote called. Voting yes: Melissa Meeker, Michael Collins, Eric Buermann, Charles Dauray, Shannon Estenoz, Jerry Montgomery, Patrick Rooney. Not present: Malcolm Wade. Motion passed.

- 62. 2008-634** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 90 day contract with ATL Diversified Industries dba Arbor Tree, the lowest responsive and responsible bidder, for the C-24 Canal Bank Repair (3), Savona to Port St. Lucie Boulevard (NE Bank), St. Lucie County in the amount of \$1,024,000 for which ad valorem funds are budgeted; providing an effective date. (Contract Number 4600001444) (Jose Guardiario, ext. 2594)

No presentation was provided.

Motion made by Melissa Meeker, seconded by Michael Collins to Approve the following item(s): 62

Vote called. Voting yes: Melissa Meeker, Michael Collins, Eric Buermann, Charles Dauray, Shannon Estenoz, Jerry Montgomery, Patrick Rooney. Not present: Malcolm Wade. Motion passed.

- 63. 2008-635** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 90 day contract with ZFI Engineering & Construction, the lowest responsive and responsible bidder, for the C-24 Canal Bank Repair (4), Savona to Port St. Lucie Boulevard (SW Bank), St. Lucie County in the amount of \$892,023 for which ad valorem funds are budgeted; providing an effective date. (Contract Number 4600001445) (Jose Guardiario, ext. 2594)

No presentation was provided.

Motion made by Melissa Meeker, seconded by Michael Collins to Approve the following item(s): 63

Vote called. Voting yes: Melissa Meeker, Michael Collins, Eric Buermann, Charles Dauray, Shannon Estenoz, Jerry Montgomery, Patrick Rooney. Not present: Malcolm Wade. Motion passed.

- 64. 2008-636** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 3 year work order contract with Treasure Coast Lawns Incorporated, the lowest responsive and responsible bidder, for Flat Mowing Services within the region of the West Palm Beach Field Station, in the amount of \$1,414,915, for which ad valorem funds of \$289,317 are budgeted; and the remainder is subject to Governing Board approval of the FY09-FY11 budgets; providing an effective date. (Contract Number 4600001413) (David Moore, ext. 4142)

No presentation was provided.

Motion made by Melissa Meeker, seconded by Michael Collins to Approve the following item(s): 64

Vote called. Voting yes: Melissa Meeker, Michael Collins, Eric Buermann, Charles Dauray, Shannon Estenoz, Jerry Montgomery, Patrick Rooney. Not present: Malcolm Wade. Motion passed.

- 65. 2008-637** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to contract 3600000897 with Miami-Dade County for the Miami River Dredging Project, to extend the term by six months from April 26, 2009 to October 26, 2009 in the amount of \$10,000,000 and approve a budget transfer of dedicated funds (Save Our Everglades Trust Fund) from CERP program to Operations and Maintenance Program; subject to approval of Section 38 of the FY09 State of Florida budget by the Governor; providing an effective date. (Contract 3600000897-A05) (Evan Skornick X7290)

No presentation was provided.

Motion made by Michael Collins, seconded by Jerry Montgomery to Approve the following item(s): 65

Vote called. Voting yes: Michael Collins, Jerry Montgomery, Eric Buermann, Charles Dauray, Shannon Estenoz, Melissa Meeker, Patrick Rooney. Not present: Malcolm Wade. Motion passed.

- 76. 2008-641** A Resolution of the Governing Board of the South Florida Water Management District authorizing the Executive Director to procure goods and services pursuant to the Governing Board Emergency Order to repair the S-375 Structure; providing an effective date.

George Horne, Deputy Executive Director, presented information on this agenda item and the needed repairs for the S-375 structure.

Motion made by Michael Collins, seconded by Shannon Estenoz to Approve the following item(s): 76

Vote called. Voting yes: Michael Collins, Shannon Estenoz, Eric Buermann, Charles Dauray, Melissa Meeker, Jerry Montgomery, Patrick Rooney. Not present: Malcolm Wade. Motion passed.

- 77.** Enter an Emergency Order regarding repair of Structure S-375; providing an effective date. (George L. Horne, ext. 6594)

George Horne, Deputy Executive Director, presented information on the emergency repairs of Structure S-375.

Motion made by Michael Collins, seconded by Shannon Estenoz to Approve the following item(s): 77

Vote called. Voting yes: Michael Collins, Shannon Estenoz, Eric Buermann, Charles Dauray, Melissa Meeker, Jerry Montgomery, Patrick Rooney, Malcolm Wade. Motion passed.

- 66.** Public Comment

Public Comment: Kim Hawk, citizen, opposes the District funding for mobile irrigation labs.

Chair Buermann said the Board will address the mobile irrigation labs at the budget meeting on 6/30/08.

Staff Reports

67. Office of Policy and Legislation Update - Ernie Barnett

Ernie Barnett, Director, Office of Policy and Legislation, provided an update on the State's budget. He reported on the Florida Forever Continuation Program. A copy of the 2008 legislative analysis was given to each Board member.

68. General Counsel Report - Sheryl Wood

Ms. Wood reported on petitions submitted to the District.

69. Executive Director's Report - Carol Wehle

Ms. Wehle provided information on June 30th budget workshop.

70. Board Comment

There was no Board comment.

Closed Door Agenda

Executive Office

71. Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2007) to discuss strategy related to litigation expenditures in United States of America v. South Florida Water Management District, et al. United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno. Sheryl. G. Wood, Ext. 6976

Action Items (if any) Stemming from Closed Sessions

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2007) to discuss strategy related to litigation expenditures in United States of America v. South Florida Water Management District, et al. United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno. Sheryl. G. Wood, Ext. 6976

This item is postponed.

- 72.** Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2007) to discuss strategy related to litigation expenditures in Friends of the Everglades, Inc. and Fishermen Against Destruction of the Environment, Inc. v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 02-80309-CV-Altonaga/Turnoff; Miccosukee Tribe of Indians of Florida v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 98-6056-CIV-Lenard/Klein; and Friends of the Everglades v. South Florida Water Management District, United States District Court, Southern District of Florida, Case No. 98-6057-CIV-Lenard/Klein. Sheryl G. Wood, Ext. 6976

Action Items (if any) Stemming from Closed Sessions

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2007) to discuss strategy related to litigation expenditures in Friends of the Everglades, Inc. and Fishermen Against Destruction of the Environment, Inc. v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 02-80309-CV-Altonaga/Turnoff; Miccosukee Tribe of Indians of Florida v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 98-6056-CIV-Lenard/Klein; and Friends of the Everglades v. South Florida Water Management District, United States District Court, Southern District of Florida, Case No. 98-6057-CIV-Lenard/Klein. Sheryl G. Wood, Ext. 6976

Chair Buermann adjourned the meeting to Closed-Door Session at 12:00 pm. He reported they would reconvene in approximately 60 minutes.

Chair Buermann reconvened the meeting at 1:30 pm.

Sheryl Wood, General Counsel, stated there are no specific recommendations at this time for Agenda Item 72.

- 73.** Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2007) to discuss strategy related to litigation expenditures in Natural Resources Defense Council, Inc., et al. v. Van Antwerp, et al., United States District Court, Southern District of Florida, Case No. 07-80444-CIV-Middlebrooks. Sheryl G. Wood, Ext. 6976

Action Items (if any) Stemming from Closed Sessions

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2007) to discuss strategy related to litigation expenditures in Natural Resources Defense Council, Inc., et al. v. Van Antwerp, et al., United States District Court, Southern District of Florida, Case No. 07-80444-CIV-Middlebrooks. Sheryl G. Wood, Ext. 6976

Sheryl Wood, General Counsel, stated the Board's direction of preparing a resolution that embodies the Governing Board intent. This will be brought back to the Board on 6/30/08 or 7/12/08.

Adjournment

- 74. Adjourn**

Chair Buermann adjourned the meeting at 2:30 pm.

Eric Buermann
Governing Board Chairman
South Florida Water Management District Governing Board

Recorded By:

Cathy Widness
Administrative Assistant Senior
Governing Board and Executive Services
SFWMD